

REMARKS

Claims 1-9 were examined and reported in the Office Action. Claims 1-9 are rejected. Claims 1-5 are amended. Claims 1-9 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §102(e)

It is asserted in the Office Action that claims 1-6, 8 and 9 are rejected under 35 U.S.C. §102(e) as being anticipated by WO 00/59179 issued to Baranowski et al. ("Baranowski"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's claim 1 contains the limitations of "[a] folder-type mobile communication terminal having a double-sided LCD, comprising: a first LCD panel; a second LCD panel; and a backlight means, which is interposed between the first and second LCD panels, for bi-directionally illuminating the first and second LCD panels, wherein the backlight means includes: a single light emitting means for emitting light; and a single light guide plate for distributing the light emitted from the light emitting means to the first and second LCD panels."

Baranokowski discloses a device having front and rear displays. As shown in Figure 3 of Baranokowski, the electronic device disclosed includes two light sources (rear light source 44, front light source 42) and two optical guides (rear optical guide 40, front optical guide 38) for providing light to a rear display 30 and a front display 28. Distinguishable, in Applicant's claimed invention there is only a single light source and a single light guide plate for providing light to the LCD panels. As shown in Applicant's Figure 4, the backlight unit, including one light source 262 and one light guide plate 23, is interleaved between the first LCD panel 28 and the second LCD panel 27 for providing light to both of LCD panels 27 and 28. By using only one light source and one light guide plate, a thickness of the mobile communication terminal can be reduced and a fabricating process can be simplified so that a fabrication cost can be reduced. Therefore, Baranokowski does not teach, disclose or suggest "a single light emitting means for emitting light; and a single light guide plate for distributing the light emitted from the light emitting means to the first and second LCD panels."

Since Baranokowski does not disclose, teach or suggest all of Applicant's claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Baranokowski. Thus, Applicant's claim 1 is not anticipated by Baranokowski. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-6, 8 and 9, are also not anticipated by Baranokowski for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(e) rejection for claims 1-6, 8 and 9 are respectfully requested.

II. 35 U.S.C. §103

It is asserted in the Office Action that claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Baranokowski. Applicant respectfully traverses the aforementioned rejections for the following reasons.

According to MPEP §2142 “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to MPEP §2143.03, “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” “*All words in a claim must be considered* in judging the patentability of that claim against the prior art.” (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), *emphasis added*.)

Applicant's claim 7 indirectly depends on claim 1. Applicant has discussed claim 1 in view of Baranokowski above in section I. As asserted above, Baranokowski does not teach, disclose or suggest “a single light emitting means for emitting light; and a single light guide plate for distributing the light emitted from the light emitting means to the first and second LCD panels.”

Since Baranokowski does not teach, disclose or suggest all the limitations of Applicant's amended claim 1, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claim 1 is not obvious over Baranokowski in view of no other prior art since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from amended claim 1, namely claim 7, would also not be obvious over Baranokowski in view of no other prior art for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claim 7 is respectfully requested.


CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-9, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on July 21, 2004.


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